

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

HEATHER GONZALEZ

Plaintiff,

V.

SEAWORLD PARKS, LLC

d/b/a BUSCH GARDENS WILLIAMSBURG,

Defendant.

Case No. _____

NOTICE OF REMOVAL

Defendant SeaWorld Parks & Entertainment LLC¹ (“SeaWorld”), by counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes to this Court the state court action described below, which was filed in the Circuit Court for Williamsburg/James City County, Virginia. As grounds for removal, SeaWorld states as follows:

1. On or about January 23, 2020, Plaintiff Heather Gonzalez filed Case No. CL20000245-00 in the Circuit Court for Williamsburg/James City County, Virginia.

2. On January 31, 2020, SeaWorld's registered agent in Virginia was served with a Summons and copy of the Complaint. A copy of the Summons and Complaint is attached hereto as **Exhibit A**.

¹ Incorrectly identified in the caption of the Complaint as “SeaWorld Parks, LLC d/b/a Busch Gardens Williamsburg.” SeaWorld Parks & Entertainment LLC owns the property at issue in Plaintiff’s Complaint and does business as Busch Gardens Williamsburg.

3. Plaintiff's Complaint incorrectly alleges that SeaWorld is "a Virginia Corporation." However, SeaWorld is a Delaware limited liability company. SeaWorld is not a citizen of the Commonwealth of Virginia; SeaWorld's sole member, SeaWorld Parks & Entertainment, Inc., is incorporated in Delaware and maintains its principal place of business in Florida.

4. Plaintiff's Complaint makes no allegation regarding her citizenship. On information and belief, Plaintiff is a Virginia resident residing in Newport News, Virginia.

5. The ad damnum of the Complaint seeks \$750,000.00.

6. This Court has diversity jurisdiction over the action, pursuant to 28 U.S.C. § 1332, because (1) complete diversity of citizenship exists between the parties, and (2) the amount in controversy exceeds \$75,000.00, exclusive of costs and interest.

7. Venue is proper in this Court, pursuant to 28 U.S.C. § 1441(a), because the underlying action is pending in a Virginia state court embraced within the district and division of this Court.

8. This removal is timely, pursuant to 28 U.S.C. § 1446(b)(1), because this notice is filed within thirty (30) days after SeaWorld's receipt of the Complaint.

9. Pursuant to 28 U.S.C. § 1446(d), contemporaneous with this filing, SeaWorld will notify and file a copy of this Notice with the Clerk for the Circuit Court for Williamsburg/James City County. A copy (pleading only, no exhibits) is attached hereto as **Exhibit B**.

WHEREFORE, SeaWorld respectfully removes this case from the Circuit Court for Williamsburg/James City County to the United States District Court for the Eastern District of Virginia, Newport News Division.

Dated: February 20, 2020.

Respectfully submitted,

**SEAWORLD PARKS &
ENTERTAINMENT LLC**

By: /s/ Jeffrey P. Miller
Of Counsel

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*Counsel for SeaWorld Parks &
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CERTIFICATE OF SERVICE

I electronically filed the foregoing with the clerk of court for the United States District Court for the Eastern District of Virginia, on this 20th day of February, 2020 using the CM/ECF system, which will send notification of such filing (NEF) to all CM/ECF registered attorneys on the NEF, including:

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